

## **REMARKS**

The Applicant respectfully requests reconsideration of the present application in view of the amendments and the following remarks.

### *Rejections under § 102 and § 103*

Claims 1-4, 8-11, 13-15, 17-18 and 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Dayan, U.S. 5,230,052. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dayan in view of Cromer, U.S. 6,718,464. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danyan in view of Gafken, U.S. 6,026,016.

Independent claims 1, 13, 22 and 26 have been amended to include allowable subject matter as indicated by the Examiner on page 8 of the instant Office Action. Dependent claims 2-8, 11, 15, 23-25 and 27-30 are allowable based on their dependency from allowable independent claims. Therefore, the Applicant respectfully requests that the instant § 102 and § 103 rejections to claims 1-8, 11, 13, 15, 22-25 and 26-30 be withdrawn.

Claim 17 expressly recites (emphasis added):

A method comprising:

updating platform firmware for a computer system during a system boot-up operation comprising a single pre-boot phase by executing an early portion of platform firmware code that is stored locally in the computer system, causing the computer system to perform the operations of:

retrieving an updated set of platform firmware code from a remote firmware storage device;

updating platform firmware code that is stored locally in the computer system by replacing at least a portion of existing platform firmware code with the updated set of platform firmware code or adding the updated set of platform firmware code thereto; and

executing a remaining portion of platform firmware code to complete the system boot-up operation during the single pre-boot phase, the remaining portion of platform firmware code including the updated set of firmware code.

Dayan is directed to loading BIOS into a computer system from a remote storage location. Dayan discloses that Dayan's method of operation enables the reduction of non-volatile memory in a personal computer used as a LAN station (col. 4, lines 1-21). However, Dayan does not disclose updating the code in the ROM-BIOS of the local system 10. Thus, Dayan fails to disclose "updating platform firmware code that is stored locally in the computer system by replacing at least a portion of existing platform firmware code with the updated set of platform firmware code or adding the updated set of platform firmware code thereto" as expressly claimed by the Applicant.

Thus, Dayan fails to disclose at least one of the expressly recited limitations of claim 17. Accordingly, claim 17 is not anticipated by Dayan. Claims 18-21 are dependent claims and distinguish for at least the same reasons as their independent base claim in addition to adding further limitations of their own. Therefore, the Applicant respectfully requests that the instant § 102 and § 103 rejections to claims 17-21 be withdrawn.

*Conclusion*

The Applicant submits that in view of the remarks and amendments set forth herein, all pending claims are in condition for allowance. Therefore, the Applicant respectfully requests the Examiner to issue a Notice of Allowance in this case.

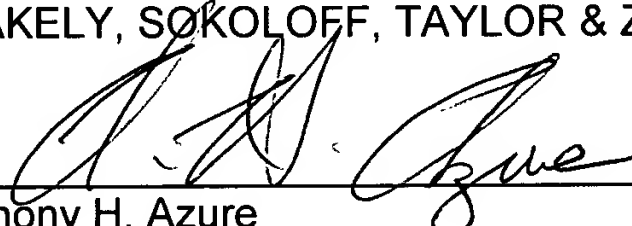
*Charge Deposit Account*

Please charge our Deposit Account No. 02-2666 for any additional fee(s) that may be due in this matter, and please credit the same deposit account for any overpayment.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

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